# UNITED STATES PATENT AND TRADEMARK OFFICE

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| 10/785,233 | 02/24/2004 | Ayman Esam Nassar | NASS01-00120 | 1046 |

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| 7590     10/23/2007 <br> HOLLY L RUDNICK <br> GARLICK HARRISON & MARKISON, LLP <br> P. O. BOX 670007 <br> DALLAS, TX 75367 | **EXAMINER** <br> TRAN, KHUONG N |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| | Application No. | Applicant(s) |
| --- | --- | --- |
| **Office Action Summary** | 10/785,233 | NASSAR, AYMAN ESAM |
| | Examiner | Art Unit |
| | Khuong Tran | 4177 |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>24 February 2004</u>.

2a)☐ This action is **FINAL**.          2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) <u>1-21</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-21</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>24 February 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All  b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>24 February 2004</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1.      The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.      Claims 1 and11 are rejected under 35 U.S.C. 102(e) as being anticipated by

Harrisville-Wolff et al (US Patent No. 6,950,847).

Regarding claim 1, Harrisville-Wolff et al disclose in **Figure 1** a communication

network **132** consisting of a first network **104** associated with a first service provider

**136**, a second network **116** associated with a second service provider **148**. The first and

second networks, also called client systems, include virtual service mechanisms **108**,

**120** for recognizing and executing service proxies **112**, **124**. Client systems have a

plurality of resources since they include one or more user nodes each utilizing an

operating system (OS) with user interfaces, and running applications and including

installed patches **[column 5, lines 40-47]**.

According to the teaching, both networks are capable of receiving requests for

inter provider IP services. The client networks includes a virtual service mechanism for

registering as a recipient with the service manager, transmitting the service requests,

and recognizing and executing the service proxies received in response to the service

requests **[column 3, lines 29-34]**. Moreover the service providers **136, 148** dictate

where the proxy code for the registered service is to be loaded, which allows it to act as

an HTTP server or to rely on a separate server device) **[column 7, lines 50-54]**.

Therefore, the client systems communicate directly with the service providers during

service performance. Data is typically communicated in digital format following standard

protocols, such as TCP/IP as disclosed in the teaching **[column 5, 37-40]**.

Harrisville-Wolff et al also disclose that in some cases, a master server provides

on going monitoring utilizing an application installed and executing on the client device

to determine when updates or patches may be beneficial. Overall, the master server

functions to distribute and install updated application packages through one of more

intermediate distribution servers and over the communication network to the appropriate

client network devices. It is noted that client network devices may be an end user device

such as a personal computer, computer workstation, or any electronic computing device

**[column 1, lines 44-57]**. Since the master server constantly monitors the network, it

serves as a mean to determine real time availability of the resources from both networks

for inter provider IP service such as delivering updates and patches to make sure the

client devices stayed up to date.

Furthermore, **Figure 3** outlines the operation of an exemplary system **200** by

allowing efficient, automatic service provision to a client server **204 [column 10, lines

18-21]**. The process begins at the installed patch tool **226** located in the virtual service

mechanism **224** of the client server network **[Figure 2]**. The patch tool **226**

subsequently executes to transmit a service request to the service manager **240** via the

communication network **208**. The service manager 240 initiates the patch and upgrade

delivery services 274 by delivering the patch and upgrade delivery proxy 260 for

execution as the proxy 228 on the virtual service mechanism 224. At this point, the

client server 204 communicates directly with the service provider **270** to obtain and

complete the service functions **[column 10, lines 21-37]**. Finally, the service provider

**270** via the temporarily resident proxy **228** returns recommended patches and upgrades

to the client server 204. The patches and OS applications maybe automatically installed

on the client server **204** and network devices **220** as indicated without input or

interaction from operator of the client network **[column 10, lines 53-64]**. Therefore,

based on the exemplary system of the client network **204**, it is evident that both

networks mentioned above are capable of provisioning inter-provider IP service using

the resources in the networks.

Regarding claim 11, Harrisville-Wolff et al disclose in **Figure 1** the

communication system consists of service providers **136, 148** that are capable of

handling service requests from client networks **104, 116** through the service manager

**160 [column 6, lines 18-25, 36-39]**.

Harrisville-Wolff et al also disclose that in some cases, a master server provides

on going monitoring utilizing an application installed and executing on the client device

to determine when updates or patches may be beneficial. Overall, the master server

functions to distribute and install updated application packages through one of more

intermediate distribution servers and over the communication network to the appropriate

client network devices. It is noted that client network devices may be an end user device

such as a personal computer, computer workstation, or any electronic computing device

**[column 1, lines 44-57]**. Since the master server constantly monitors the network, it

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interaction from operator of the client network **[column 10, lines 53-64]**. Therefore,

based on the exemplary system of the client network **204**, it is evident that both

networks mentioned above are capable of provisioning inter-provider IP service using

the resources in the networks.

### Claim Rejections - 35 USC § 103

3.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.      Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrisville-Wolff et al. (US Patent No. 6,950,847) and further in view of Xu et al. (US Publication No. 2004/0085912).

Regarding claim 2, Harrisville-Wolff et al teaches a communication network

capable of monitoring the client devices and providing update services as stated in

claim 1 **[column 1, lines 44-57]**. However, Harrisville-Wolff et al fail to teach the means

for advertising the available network resources. Xu et al disclose an autonomous

system topology based auxiliary network for a peer-to-peer overlay network. According

to the teaching, the network supports expressway connections that between

expressway nodes **[paragraph 0010]**. When a node joins an expressway, it may

advertise its position relative to the grid falls into. As a result, the amount of routing

information may be minimized by reducing the size of the routing table **[paragraph

0042, lines 5-10]**. Therefore, it would have been obvious to one with ordinary skill in the

art at the time of the invention to modify the teaching of Harrisville-Wolff et al to enable

the advertisement of available network resources from both networks as taught by Xu et

al. One is motivated as such to propagate routing information when nodes join or leave

or when network conditions change, to resolve routing destinations, and to forward

information packets for multicasting for better IP routing performance **[paragraph 0024,**

**lines 7-11]**.

Regarding claim 12, Harrisville-Wolff et al teaches a communication network

capable of monitoring the client devices and providing update services as stated in

claim 1 **[column 1, lines 44-57]**. However, Harrisville-Wolff et al fail to teach the means

for advertising the available network resources of the service providers. Xu et al

disclose an autonomous system topology based auxiliary network for a peer-to-peer

overlay network. According to the teaching, the network supports expressway

connections that between expressway nodes **[paragraph 0010]**. When a node joins an

expressway, it may advertise its position relative to the grid falls into. As a result, the

amount of routing information may be minimized by reducing the size of the routing

table **[paragraph 0042, lines 5-10]**. Therefore, it would have been obvious to one with

ordinary skill in the art at the time of the invention to modify the teaching of Harrisville-

Wolff et al to enable the advertisement of available network resources from both service

providers as taught by Xu et al. One is motivated as such to propagate routing

information when nodes join or leave or when network conditions change, to resolve

routing destinations, and to forward information packets for multicasting for better IP

routing performance **[paragraph 0024, lines 7-11]**.

5.      Claims 3-10, 13-21 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Harrisville-Wolff et al. (US Patent No. 6,950,847) and further in view of Ramstrom

et al. (US Patent No. 5,960,004).

Regarding claim 3, Harrisville-Wolff et al teach in **Figure 1** a telecommunication

network **132** connecting client systems **104** to **116** between service providers **136** and

**148** through a number of supporting network components **128, 164, 188**, and **160**.

However, Harrisville-Wolff et al fail to explicitly disclose a unified and integrated switch

(UIS) device connected to the first network and second network which consists of a

common resources that are being dedicated to and configured by either network.

However, Ramstrom et al teach a switch component **52** in **Figure 6** that connects a

plurality of network nodes **53, 54, 55,** and **56**. According to the teaching, the switch **52**

consists of application modules **65, 66,** and **67** to handle the functions of the networks

connecting to it. The switch further includes common resources **69** being dedicated to

each network node **[Figure 6, column 8, lines 30-52]**. Additionally Ramstrom et al

show that the switch can support different services for the many network nodes as long

as the required software is added to the application modules **[column 2, lines 14-21]**.

Since the common resources are accessible by network modules, it is evident that the

sources can be configured according to the service a particular network node is

compatible with. Therefore, it would have been obvious to one with ordinary skill in the

art at the time of the invention to modify the teaching of Harrisville-Wolff et al to include

a switch for connecting the networks and for configuring the shared resources as taught

by Ramstroms et al. One is motivated as such to allow multiple specific telecommunica-

tion applications to be performed with optimum functionality within the same switch device **[column 3, lines 10-15]**.

Regarding claim 4, Harrisville-Wolff et al disclose the service providers are linked to the communication network to allow communication to the service manager and direct communication to the client servers when providing a service. Harrisville-Wolff et al however fail to teach a switch being a part of the communication system as stated in claim 3 in addition to having such switch consisting logical nodes be dynamically configured by and associated with service providers. Ramstrom et al illustrates in **Figure 6** a software system of the network consisting of a single exchange **51** having a plurality of separate logical nodes and functionality of those nodes and interconnections between them is incorporated into single exchange **52** containing the software system **[column 8, lines 11-58]**. It was stated in the preceding claim 3 that part **52** is a switch consisting of different modules supporting a variety of services according to the network nodes. Since single exchange **53** is functionally dependent on the switch device **52** for service, it is evident that the logical nodes are a part of the switching entity. It is also noted that a switch can render different services to their respective subscribers by having the switch programmed with the functionality required for each type of telecommunication service to be rendered **[column 2, lines 6-13]**. Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to modify the teaching of Harrisville-Wolff et al to associate a first logical node to a first service provider and having the service provider configuring the node to offer services compatible to its client network and to associate a second logical node to a second

service provider and having the service provider configuring the node to offer services

compatible to its client network. One is motivated as such to perform the specific

functional actions required to implement assigned service elements **[column 3, lines

64-67]**.

Regarding claim 5, as already stated in claims 3 and 4, the switch device **52**

connects the first and second networks and able to configure by the service providers

within those networks. Therefore, official notice is taken here since the switch has to

reside within one network in order to function accordingly. Harrisville-Wolff et al. teach

the functions of multiple networks in a communication system **132** in **Figure 1**.

However, Harrisville-Wolff et al fail to specifically classify the first network as the

wholesale service provider and the second network as the retail service provider.

Ramstrom et al disclose in **Figure 5** an illustrative diagram of multiple networks, or

exchanges interconnected with one another in a communication network. It is disclosed

that a local exchange **31** serves its local subscribers, or end users, and connected via

trunk lines to another **33**, which is in turn connected to the international gateway

exchange **34**. The international exchange **38**, for example, consists national exchange

**40** which includes a plurality of subscribers and are connected by means of trunk lines

**41 [column 7, lines 55-64]**. Since the marketplace reflects the reality that supporting

services between local subscribers between different geographical locations is

commonplace, it would have been obvious to one with ordinary skill in the art of

telecommunication to recognize the first network with the switch as the international

exchange **38** as the wholesale service provider that provides service to the second

network, a retail service provider **40** at a national level, which in turn provides services to its local subscribers as shown in Ramstrom et al, in order to gain the commonly understood benefits of such adaptations, such as reduced expense costs, simplified operation, and increased optimum performance and reliability.

Regarding claim 6, Harrisville-Wolff et al teach a telecommunication network connecting client systems between service providers through a number of supporting network components. However, Harrisville-Wolff et al fail to teach a mean for calculating cost information for use of the first resources and the second resources for the inter-provider IP services. Ramstrom et al disclose in **Figure 33** a block diagram of service application modules **121-126** with a number of access modules **139-144** for billing transactions. According to the teaching, service application modules function to provide services such as digit analysis, routing, and unique communication services which are specifically configured for the telecommunication services they are designed. Each of the access application modules **139-144** provides includes functionality such as protocol analysis, hardware maintenance, and line maintenance. In addition, the transaction manager **146** provides interfaces between different application modules and enables communication between them. The charging manager **147** provides services to the application modules connected with the charging of calls in a manner related to common charging elements to each of the application modules. Thus the transaction manager **146** and charging manager **147** are the means for calculating the cost information of the inter-provider IP service between two network resources **[Figure 33, column 38, lines 22-63]**. Therefore, it would have been obvious to one with ordinary

skill in the art at the time of the invention to modify the teaching of Harrisville-Wolff et al

to include means for calculating cost information such as a transaction manager and

charging manager application modules as taught by Ramstrom et al. One is motivated

as such to introduce new technologies and upgrades constantly to the already existing

telecommunication network by modifying the previously designed application modules

**[column 37, lines 15-20]**.

Regarding claim 7, from previous claim 6, it is stated that Harrisville-Wolff et al

fail to include a means for calculating cost information between network resources in the

communication system. In addition, there is no means for creating an electronic contract

between service providers using the cost information. Ramstrom et al disclose in the

teaching that for each chargeable event or transaction occurring between network

resources, an account record is obtained within the application module by charging

account record subsystem **171**. The account reference **172** can then be used by this

and other application modules to store data related to the charging of a particular call or

event. If required, meter pulses can be generated in real time or calculated at the end of

the call based upon the charging information received from the application modules

**122-124**. This can be used for output to a subscriber's charging account record as

required **[Figure 38, column 41, lines 45-56]**. Therefore, it would have been obvious to

one with ordinary skill in the art at the time of the invention to modify the teaching of

Harrisville-Wolff et al to incorporate the means to generate an electronic contract

between service providers using the cost information as taught by Ramstrom et al. One

is motivated as such to provide necessary servicing functions to integrate charging

functionality to existing application module via existing interfaces with new application modules via new interfaces **[column 41, lines 35-39]**.

Regarding claim 8, Harrisville-Wolff et al disclose in the teaching that there exists a software tool **260** that is configured to look up or retrieve services that are registered with the service manager **240**. The registered proxy **260** is provided by the service provider **270** and is executable code such as a Java object, that includes an interface defining the methods provided and which can be requested from the service. The proxy **260** typically will also provide initial attributes for the service **274 [Figure 2, column 9, lines 35-43]**. Thus, the software engine is configured to receive request for the inter-provider IP service and to obtain real time resource information. Harrisville-Wolff et al, however, fail to explicitly teach the method of calculating real time prices for each of the pricing scenarios using the real time resource information and customizing the cost information based on the first and second service providers, the request, and the real time prices. Based from previous claims 6 and 7, Ramstrom et al disclose a method for calculating cost information by configuring software in the application service modules such as transaction manager and charging manager to generate a record of the cost to the subscriber's account **[column 38, lines 22-63, column 41, lines 45-56]**. Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to modify the teaching of Harrisville-Wolff et al to include service application modules such as a transaction manager and a charging manager to serve as the means for calculating real time price scenarios as taught by Ramstrom et al based on service providers, requests, and real time prices. One is motivated as such to introduce new

technologies and upgrades constantly to the already existing telecommunication

network by modifying the previously designed application modules **[column 37, lines**

**15-20]**.

Regarding claim 9, Harrisville-Wolff et al teach a communication network

consisting of a database **[Figure 1, 144, 156]** for storing real-time resource information.

According to the teaching the service databases include service data or useful

information in providing implemented service **140, 152 [column 6, lines 53-64]**.

Regarding claim 10, Harrisville-Wolff et al disclose in **Figure 2** an operational

support system **240** connected to software engine **260** and databases **276, 278 [Figure**

**2]**. It is further noted that the operational support system **240** consists of a service

deployment mechanism **256**, which provides for actively discovering client devices

desiring and set up to receive services which are stored in memory. The mechanism

256 also discovers or receives registration requests from providers actively providing

services, such as service provider **270 [Figure 2, column 9, lines 30-35]**. Hence the

operational support system can be configured to manage the inter-provider IP service in

real-time.

Claim 13 is rejected for similar subject matter as claim 3.

Claim 14 is rejected for similar subject matter as claim 4.

Claim 15 is rejected for similar subject matter as claim 5.

Claim 16 is rejected for similar subject matter as claim 6.

Claim 17 is rejected for similar subject matter as claim 7.

Claim 18 is rejected for similar subject matter as claim 8.

Claim 19 is rejected for similar subject matter as claim 9.

Claim 20 is rejected for similar subject matter as claim 10.

Regarding claim 21, based on previous claim 11 it was concluded that the

communication system taught by Harrisville-Wolff et al is capable of incorporating the

network infrastructure **[Figure 2, 200]** and resources **[Figure 2, 220]** in the automatic

service provisioning process **[column 10, lines 18-21]**. Harrisville-Wolff et al, however,

fail to explicitly teach such provisioning factor is also dependent on business relations

and business objectives. Ramstrom et al disclose the business relations between two

service providers are outlined in dynamic, real-time transactions where contracts and

prices are created as a result of the business relation **[column 41, lines 45-56]**.

Business objectives are also a part of the teaching since the telecommunication network

is capable of supporting a variety of services such as ISDN, PSTN, private network and

so forth **[Figure 6]**. Therefore, service volume for the different network nodes dictates

one of the important aspects in business objectives. Furthermore, Ramstrom et al

explain the goal of expanding functionality in a telecommunication system by upgrading

hardware components and adding new software capabilities is often undesirable since

telecommunication companies are interested in minimizing cost while maintaining the

quality of service offered to their subscribers **[column 2, 36-42]**. Ramstrom et al

propose a method to reduce expenses by implementing application modules that can be

programmed by software to support a variety of services as required by the different

network **[column 2, lines 14-21]**. Therefore, it would have been obvious to one with

ordinary skill in the art at the time of the invention to modify the teaching of Harrisville-

Wolff et al to include business relations and business objectives in the provision of

network services. One is motivated as such to provide necessary servicing functions to

integrate functionality to existing application module via existing interfaces with new

application modules via new interfaces **[column 41, lines 35-39]** and to enable

efficacious growth of future communication services **[column 42, lines 27-31]**.

***Conclusion***

6.      Any response to this Office Action should be **faxed** to (571) 273-8300 or **mailed**

to:

>Commissioner for Patents,
>P.O. Box 1450
>Alexandria, VA  22313-1450
>
>**Hand-Delivered responses should be brought to**
>Customer Service Window
>Randolph Building
>401 Dulany Street
>Alexandria, VA  22314

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Khuong Tran, whose telephone number is (571) 270-

3522. The examiner can normally be reached Mon-Fri from 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Benny Q. Tieu, can be reached at (571) 272-7490. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for published

application may be obtained from either Private PAIR or Public PAIR. Status information

for unpublished application is available through Private PAIR only. For more information

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access to the Private PAIR system, contact the Electronic Business Center (EBC) at

866-217-9197 (toll-free).


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AU 4177

October 10, 2007

BENNY Q. TIEU

SPE/TRAINER